

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

DECLARATION OF BARBARA COLBORN

I, Barbara Colborn, pursuant to 28 U.S.C. § 1746, hereby declare:

1. My name is Barbara Colborn. I am over the age of 18, and I have personal knowledge of the matters set forth herein.
2. I am a resident of Manitowoc County, Wisconsin. I grew up in the area, and after leaving in 1976, I moved back in 1989 and have lived here ever since. I lived in Manitowoc when Steven Avery was exonerated, during his civil lawsuit against the County, and for his trial for the murder of Teresa Halbach.
3. Andrew Colborn—Andy—is my ex-husband. We are recently divorced; it became official just this year. We got married in September 1991, and we have a son together. Andy also has two daughters from a previous marriage.
4. I don't remember much about Avery's exoneration and civil lawsuit. I didn't know the Avery family and was not living in Wisconsin at the time of Avery's rape conviction. I

recall that sometime after the exoneration, Andy was deposed about a phone call he took while working at the jail, but I don't remember if that deposition was taken in connection with the civil suit or the murder trial.

5. I did not go to the courthouse to watch any of the murder trial because Andy didn't want me to. I also did not watch the trial on television, even though the entire thing was broadcast. Andy would tell me some things about it—for example, how upset Teresa Halbach's mother was—but he didn't want me to hear the details in court. Even though I avoided watching the trial, I did see some parts of it that were recapped and shown on the nightly local news. I felt very bad for Teresa's mother and family.

6. I know Andy testified at Avery's trial, and I know Avery and his attorneys claimed that Manitowoc County sheriff's deputies, including Andy, planted evidence to frame him for Teresa Halbach's murder.

7. I never believed that Andy planted evidence to frame Avery. I believe Steven Avery killed Teresa Halbach.

8. During the trial, Andy was very stressed and agitated about being accused of planting evidence. He was upset that the defense would come to that conclusion and would be allowed to say such things about him in court. He felt like the system had turned on him by letting that theory be introduced. He even told me at one point that he was afraid he was going to be sent to prison. I thought he was exaggerating; what he was saying didn't make sense to me.

9. Andy just wasn't himself at that time. He was quiet, and could only focus on the trial. He would pace in the house, he was withdrawn, and he started drinking a little more. We stopped going out because Andy didn't want to go anywhere in public. We used to see our close friends and family often, but we stopped seeing them as much because Andy didn't want to see

anyone or go anywhere. He was concerned that people might believe Avery's theory that he planted evidence, and he didn't feel like he could trust anyone. I didn't always think Andy's feelings were rational, but it's how he felt and I tried to be supportive.

10. Some people that I worked with were really interested in the trial, and would watch it whenever they had time off. I remember some people talking about how it was interesting. But overall people tended not to raise the topic with me because they knew I didn't want to talk or hear about the trial. No one at work started treating me differently because of the trial or Avery's accusation that Andy planted evidence.

11. I also didn't notice anyone treating Andy any differently or changing their opinions about him because of Avery's accusation at trial that Andy planted evidence. In fact, it seemed like the community was pretty supportive of law enforcement and Andy during and after the trial.

12. I never watched the documentary *Making a Murderer*, and I do not intend to watch it. The only parts of the documentary that I have seen are certain excerpts that I happened to see on television or what I heard about it from other people.

13. Because I did not watch *Making a Murderer*, it could not have and did not change my opinion of Andy in any way. Again, I do not believe Andy planted evidence to frame Avery.

14. Our family received a lot of public scrutiny as a result of *Making a Murderer* and some of it was very vicious. I understand that Andy has disclosed in this litigation some of the hateful messages we received. Most of that came from out of town, out of the state, or even out of the country. There was a local group of people who also supported Avery, but none of those people were ever our friends. In fact, our congregation, Grace Evangelical Lutheran, was very

supportive of Andy and our family. Several fellow congregants told Andy they were behind him and that meant a lot to him.

15. I don't know anyone whose opinion of Andy was changed because of *Making a Murderer*. I don't believe that the documentary caused Andy to lose any friends. It was Andy who distanced himself from everyone, including his own friends. He became less friendly with people because he was always on his guard.

16. I encouraged Andy to move on from *Making a Murderer*. But he told me that "some things you just can't let go." Andy couldn't accept anyone thinking that he may have planted evidence to frame Avery. If he felt like someone was less friendly towards him, he would interpret it as them believing that he framed Avery.

17. No one treated me differently or poorly because of *Making a Murderer*, and I didn't lose any friends because of it.

18. I understand that Andy has listed several of my family members as damages witnesses in this case. My family never thought less of Andy and their opinions of him didn't change because of *Making a Murderer*. Even though Andy was always welcomed by my family during our marriage, after *Making a Murderer*, Andy didn't feel comfortable being around them anymore so we stopped seeing them as much. To the extent he is less than welcome in their homes today, it is because he had an affair and then divorced me.

19. Andy and I talked about his decision to bring this lawsuit. Andy had a hard time finding a lawyer would who take on his case. He called several lawyers over a period of a couple years before he finally found a lawyer, Michael Griesbach, to take on his case. I think Griesbach was willing to take the case because he had already written a book about the underlying facts.

20. I just wanted to move on from *Making a Murderer*, but Andy couldn't let it go. So I did my best to support him in bringing the lawsuit so he could be happy. Andy felt like life would get better if he could find someone to bring this lawsuit.

21. In addition to the lawsuit, Andy also got involved with a rebuttal documentary to *Making a Murderer*. I was present at most of the meetings about that rebuttal documentary with him. A lot of those meetings took place at our house.

22. The person Andy would most often meet with and talk to about the rebuttal documentary was Brenda Schuler. I think Andy had about 10 to 20 meetings with Brenda. I don't know how Andy first got involved with the rebuttal documentary or when, but it started years ago and has lasted a long time.

23. At the meetings, Andy and Brenda would do research on events related to the murder of Teresa Halbach, such as proving the timeline of everything that happened and when.

24. I also understand Andy has claimed in this lawsuit that the documentary caused our divorce. I would say that the stress of being in the public eye and all the attention we got from *Making a Murderer* did put strain on our marriage. The hateful phone calls made us extra cautious, like making sure all the doors at home were locked, watching who was driving by the house, and screening our calls. But there wasn't anything in the documentary that I believed—again, I didn't watch it. To the extent Avery's accusations made it into the documentary, those accusations didn't change my opinion of Andy. That's not what caused our divorce.

25. This lawsuit also had an impact on our marriage because it prolonged and exacerbated Andy's fixation. Andy just couldn't let go of *Making a Murderer* and Avery's accusations that he planted evidence to frame Avery for the murder of Teresa Halbach. We would always have talks about these things, even when I didn't want to talk about it anymore,

because he was always discussing it with the lawyers for this lawsuit. It just wasn't going away. The trial, the accusations, the documentary—they were always there because of this lawsuit.

26. I wanted to move on. I didn't want to let Avery or *Making a Murderer* ruin our lives. Andy couldn't let it go, though, and he wanted to bring this lawsuit to try to fix things. But it wasn't getting fixed. The lawsuit only did more damage to us.

27. Eventually, Andy and I separated and are now divorced. When Andy and I first separated more than a year ago, I was hoping we would reconcile. I did not want to divorce him. I thought he would come around, but he never did. He told me he was divorcing me because he wasn't happy anymore.

28. I do know that Andy had an affair while we were still married. I don't know when it started, and I believe it was with someone that he met through his work. Andy continued seeing this person throughout our divorce, and I understand that they are still together now. Andy's affair is a big cause of our divorce.

29. I also know that Andy's relationships with his three children were not affected because of the documentary. Their opinions of him were not changed by the documentary, and they didn't love him any less because of it or because of Avery's accusations that Andy planted evidence. His relationship with the kids is a work in progress today, but that's because of the affair and the divorce.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 13 day of April, 2022.


Barbara Colborn